

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 20048567

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office **Y** **N** **Date:**
 At the project site **Y** **Date:** Oct 20 04

PROJECT LOCATION INFORMATION:

State: CO

County: Boulder

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres): 40 02 50.6734, 105 03 58.1886

Name of waterway or watershed: 80 ac

SITE CONDITIONS: Rural dry upland around the aquatic site

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	x								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	x								
Irrigation ditches									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					x

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Approved** X Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Filing 7 Wetlands A and B are neither adjacent to nor surface connected to waters of the U.S. Filing 7 area of the Leyner Cottonwood #1 Ditch flows into the Cottonwood Extension Ditch, which terminates in a small concrete-lined irrigation lateral that does not have characteristics of waters of the U.S. and terminates in uplands. A small portion of the flow from the Cottonwood Extension Ditch flows to the Lower Boulder Ditch that terminates in upland. The Lateral Ditch from the Leyner Cottonwood #1 Ditch flows into an underground pipe, therefore losing characteristics of waters of the U.S.